



GALLAWAY
CONSULTING
A DIVISION OF NORTHSTAR

CONSISTENCY EVALUATION

January 26, 2009

Nick Pappani
Raney Planning and Management
1401 Halyard Drive, Suite 120
West Sacramento, CA 95691

Re: Consistency Evaluation of the Existing Wetland Delineation, Special-Status Species Assessment, and Arborist Reports for the Timberline Project, Placer County, CA (GCI# 2008-052)

Dear Mr. Pappani:

Gallaway Consulting, Inc. (GCI) conducted a peer review of the existing wetland delineation, special-status species assessment, and arborist reports for the Timberline project located in the City of Auburn in Placer County, CA.

GCI concurs with the analysis of waters of the U.S. present, as described in the "Wetland Delineation for Timberline Offsite" dated April 3, 2008. However, GCI can not attest to the plant species or soils identified by ECORP Consulting, Inc. survey personnel without conducting a similar survey.

GCI also reviewed the Initial Arborist Report and Inventory Summary prepared by Sierra Nevada Arborists in August of 2004. GCI concurs with the statements in the report, however, GCI cannot comment on the numbers reached for the tree inventory without conducting a similar inventory/survey. Additionally, due to the time lapse, the DBH measurements taken may have increased since August of 2004 depending on the tree species.

Following the review of the existing special-status species assessment prepared by ECORP Consulting, Inc in October of 2007, the following information is out of date/incorrect. The report states that even though no elderberry shrubs were observed within the project area, valley elderberry longhorn beetle (VELB) surveys may be required. However, no VELB surveys are needed if elderberry shrubs are not present. The report also states that suitable foraging habitat occurs on the site for the *Yuma myotis*. However, this species forages over water, not annual grassland. Thus, only suitable roosting habitat for the *Yuma myotis* occurs within the project area. Additionally, due to the lack of sufficient riparian and broad-leaf forest within the project area, it is not likely that the western red bat will utilize the project area. Though GCI agrees with the

assessment of potential for the remaining species to occur in the project area, two additional California bird species of special concern – burrowing owls and northern harriers – have potential to occur in the area. Finally, two of the bird species mentioned in the report as having potential to occur, the sharp-shinned hawk and Cooper’s hawk, are no longer listed as species of special concern by CDFG, however, they are on a CDFG watch list.

Western Burrowing Owl and Northern Harrier Species Information

Currently, the western burrowing owl is identified by the DFG as a California Species of Special Concern. Additionally, the species is identified as a migratory species, which is subject to the requirements set forth in the Migratory Bird Treaty Act (MBTA). Finally, as a raptor species, the western burrowing owl is protected from take by California Fish and Game Code (§3505, §3503.5 and §3800).

Western burrowing owls inhabit dry, open grasslands and typically nest in small burrows that have been constructed and abandoned by burrowing mammals such as ground squirrels or badgers. Burrowing owls are year-long residents. Their peak breeding season occurs between mid-April and mid-July. Direct mortality of juvenile and adult burrowing owls has been known to result from destruction, plugging, and flooding of occupied burrows, collisions with motor vehicles, aircraft, and wind turbines, predation by native and domestic animals, exposure to certain insecticides and rodenticides, and shooting (DFG, 2003).

The *California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California* (DFG, 2008) identifies bird species of concern throughout the state. The various *taxa* are categorized into three priority levels based on the DFG’s ranking scheme. The WBO is listed as a 2nd priority species of concern. The breeding season is identified as the “Season of Concern” for the WBO. As described in the preceding paragraph, the peak breeding season for the species ranges from mid-spring through mid-summer.

The following is reproduced from the “Burrowing Owl Survey Protocol and Mitigation Guidelines” produced by the Burrowing Owl Consortium in 1993:

Each project and situation is different and these procedures may not be applicable in some circumstances. Finally, these are not strict rules or requirements that must be applied in all situations. They are guidelines to consider when evaluating burrowing owls and their habitat, and they suggest options for burrowing owl conservation when land use decisions are made.

The DFG prepared the *Staff Report on Burrowing Owl Mitigation* (Staff Report) in 1995. The Staff Report identifies both general habitat and occupied burrow characteristics for the species. In addition, the Staff Report establishes survey timelines for projects that are proposed in winter, nesting or year-round habitat. The proposed Timberline project site is

located within the easternmost extent of potential burrowing owl range along the Great Central Valley. The project site is within an area that is designated as potential winter habitat for the species (Figure 1). According to the Staff Report, winter surveys should be conducted between early December and the end of January. Consistent with the peak breeding season, nesting season surveys are recommended between mid-April and mid-July.

There are three documented WBO occurrences identified within 20 miles of the project site identified in the CNDDDB. These occurrences are located 12, 15 and 18 miles west of the proposed project site and at substantially lower elevations. As such, project activities are not expected to result in the destruction of burrows or foraging habitat adjacent to occupied burrows.

The Staff Report identifies impact thresholds, mitigation standards, specific mitigation measures, impact avoidance measures and relocation standards for projects falling under the DFG's jurisdiction.

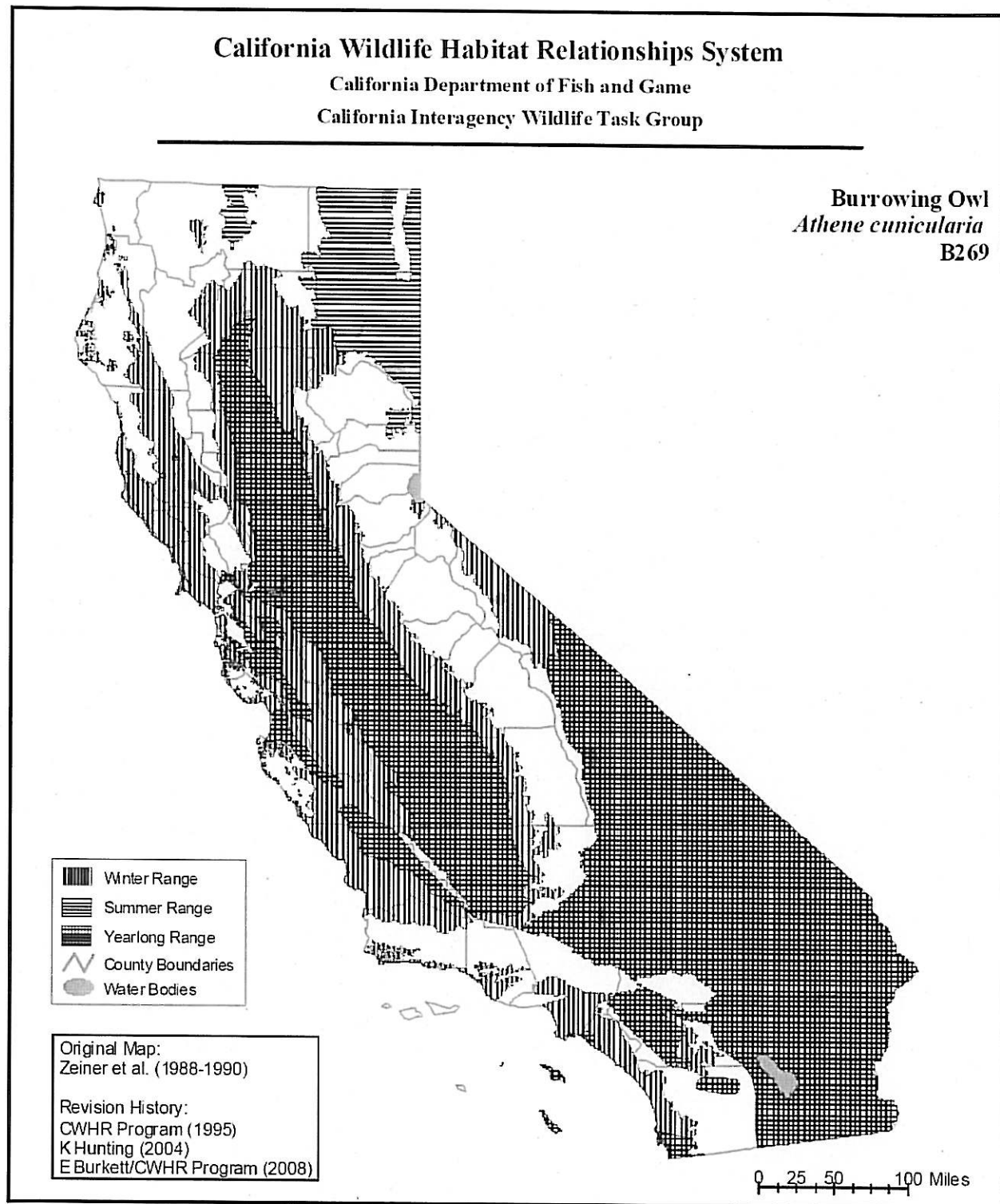
Avoidance: Surveys shall be conducted to identify whether burrowing owls or nesting sites are present within, or adjacent to, the project site. The surveys shall be conducted within 30-days of the commencement of construction activities.

1. If no burrowing owls or active burrows are detected during protocol surveys, then no further action is required (granted construction activities remain active).
2. The following shall be implemented if burrowing owls or active burrows are identified during surveys:
 - Construction during the non-breeding season (September 1 through January 31) A non-disturbance buffer of 160-feet shall be established around all occupied/active burrows to the greatest extent practicable.
 - Construction during the nesting season Should active burrowing owl burrows be identified, project activities shall not disturb the burrow during the nesting season (February 1–August 31) or until a qualified biologist has determined that the young have fledged or the burrow has been abandoned. A no disturbance buffer of 250-feet is required to be established around each burrow with an active nest until the young have fledged the burrow, as determined by a qualified biologist.

Compensation:

- If impacts to an occupied/active burrow are unavoidable: Passive relocation of burrowing owls shall be conducted during the non-breeding season (September 1 through January 31). Passive relocation involves a variety of potential techniques that serve to encourage owls to move from occupied burrows. This process should be conducted by a qualified biologist in accordance with DFG mitigation measures. In addition, to offset the loss of foraging and burrowing habitat on a project site, foraging habitat per pair or unpaired resident bird, should be acquired

Figure 1: Burrowing Owl Ranges by Season



- and permanently protected in quantities and at a location acceptable to the CDFG.
- If a project results in impacts to active burrows or burrowing owls, a Mitigation Agreement from the CDFG should be obtained prior to grading or construction activities.

A specific mitigation program, based on the project site's unique characteristics and the Staff Report on Burrowing Owl Mitigation, would be expected to ensure less than significant impacts to burrowing owls. Preconstruction raptor surveys would ensure the identification of burrowing owls within, or adjacent to, the project site. No further actions related to this species would be required if burrowing owls are not identified on, or adjacent to, the project site. If burrowing owls are identified within the project area, the project should adhere to the performance standards of the Staff Report. This would be identified through consultation with the DFG and would ensure less than significant impacts to western burrowing owls.

Similarly, the northern harrier is identified by the DFG as a California Species of Special Concern. However, the harrier is listed as a 3rd priority species. The DFG identifies the harrier's breeding season as the season of concern. As with the burrowing owl, the presence of nesting harriers within the project site would be identified during the requisite pre-construction raptor surveys. If nesting harriers (or any other protected raptors or migratory birds) are identified, the project should adhere to all applicable avoidance and/or mitigation measures, including the establishment of no-disturbance buffer zones to ensure consistency with the standards of the DFG and the federal Migratory Bird Treaty Act. The no-disturbance buffer will differ depending upon a variety of variables including bird species, site characteristics, and surrounding land uses, and is identified through consultation with DFG.

Please feel free to contact me with any questions.

Sincerely,



Elena Alfieri,
Botanist/Arborist